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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,226	09/18/2000	Ge Li	EMT-001	4280
51414 7590 01/28/2009 GOODWIN PROCTER LLP PATENT ADMINISTRATOR 53 STATE STREET EXCHANGE PLACE BOSTON, MA 02109-2881				
EXAMINER COLBERT, ELLA				
ART UNIT 3696		PAPER NUMBER		
NOTIFICATION DATE 01/28/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: GE LI, MICHAEL D. MCCART, CHARLES H. ROSA,  
AVNER SCHNEUR, and RINA ROTSHILD SCHNEUR

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Application No. 09/664,226  
Technology Center 3600

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Mailed: 27 January 2009

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Before LAWRENCE J. BANKS *Paralegal Specialist*  
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**APPEAL BRIEF, GROUNDS OF REJECTION**

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed July 6, 2006, under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 1-15 and 27-41 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6,260,024) Shkedy and 16-26 and 42-52 are rejected under 103(a) as being unpatentable over (US 6,260,024) Shkedy in view of (US 6,647,373) Carlton-Foss; whereas Appellant(s) have not indicated the grounds of rejection of these claims or has improperly listed these claims as 1-52 are unpatentable over (US 6,260,02425) Shkedy. Correction of the

Grounds of rejection to be reviewed on appeal for all claims is required.

### APPEAL BRIEF, ARGUMENTS

A review of the file finds that the arguments with respect to each grounds of rejection as provided in the Appeal Brief filed July 6, 2006, under the heading “Argument” has not been clearly provided. Each grounds of rejection must be treated under a separate heading in accordance with 37 CFR 41.37(c)(1)(vii). Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number.

Appellant has not provided the necessary headings and/or subheadings for arguments which correspond to each grounds of rejection. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on July 6, 2006, defective;
- 2) notify Appellant to file a paper properly addressing the Grounds of rejection of all claims;

- 3) notify Appellant to file a paper properly presenting the arguments for each grounds of rejection as required; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GOODWIN PROCTER LLP  
PATENT ADMINISTRATOR  
EXCHANGE PLACE  
BOSTON MA 02109-2881